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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASSIDY PAINTING INC., CLEVELAND STEEL
CONTAINER CORPORATION, COATING
DEVELOPMENT GROUP, INC., CONGOLEUM
CORPORATION, DURAND GLASS
MANUFACTURING COMPANY, LLC, EXPERT
MANAGEMENT INC., ATLANTIC ASSOCIATES
INTERNATIONAL INCORPORATED, d/b/a HIBRETT
PURATEX, INCINERATION RECYCLING SERVICES,
INC., JOHNSON MATTHEY INC., LCRES HOLDINGS,
INC., LCR EMBEDDED SYSTEMS, INC., LCR
ELECTRONICS, INC., MARTIN CORP., NATIONAL
CASEIN OF NEW JERSEY, NATIONAL CHEMICAL
LABORATORIES OF PA., INC., OCCIDENTAL
CHEMICAL CORPORATION, OCEAN YACHTS, INC.,
POLYMERIC SYSTEMS INC., PRC-DESOTO
INTERNATIONAL, INC., PURITAN PRODUCTS, INC.,
RECYCLE INC. EAST, R.H. SHEPPARD CO., INC.,
RICHLAND GLASS CO., INC., ROHM AND HAAS
COMPANY, THE SHERWIN-WILLIAMS COMPANY,
STEM BROTHERS, INC., STRAIGHT ARROW
PRODUCTS, INC., THERMOSEAL INDUSTRIES LLC,

Civil Action No.

COMPLAINT

TREX PROPERTIES LLC, UNITED ASPHALT CO.,)
VP RACING FUELS, INC., and THE WORTHINGTON)
STEEL COMPANY,)
)
Defendants.)
_____)

The United States of America, by authority of the Attorney General of the United States and through the undersigned attorney, acting at the request of the United States Environmental Protection Agency (“EPA”), files this complaint and alleges as follows:

NATURE OF THE ACTION

1. This is a civil action under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, (“CERCLA”), 42 U.S.C. § 9607, for the recovery of certain costs incurred by the United States in response to releases and threatened releases of hazardous substances into the environment at or from the Superior Barrel and Drum Site (“Site”) located in Gloucester County, New Jersey.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the subject matter of this action and over the parties under 28 U.S.C. §§ 1331 and 1345, and Sections 107 and 113(b) of CERCLA, 42 U.S.C. §§ 9607, 9613(b).

3. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2) and Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), because the releases or threatened releases of hazardous substances that gave rise to this claim occurred in this district, and because the Site is located in this district.

DEFENDANTS

4. Cassidy Painting Inc. (“Cassidy Painting”) is a Delaware corporation, with a place of business in Wilmington, DE. Cassidy Painting has or had a facility located in New Castle, Delaware. Cassidy Painting is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

5. Cleveland Steel Container Corporation is an Ohio corporation, with a place of business in Glenwillow, Ohio. Cleveland Steel Corporation has or had a facility located in Quakertown, Pennsylvania. Cleveland Steel Container Corporation is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

6. Coating Development Group, Inc. (“CDG”) is a Pennsylvania corporation, with a place of business in Media, Pennsylvania. CDG has or had a facility located in Philadelphia, Pennsylvania. CDG is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

7. Congoleum Corporation is a Delaware corporation, with a place of business in Mercerville, New Jersey. Congoleum Corporation has or had facilities located in Marcus Hook, Pennsylvania, and Trenton, New Jersey. Congoleum Corporation is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

8. Durand Glass Manufacturing Company, LLC (“Durand”) is a New Jersey corporation, with a place of business in Millville, New Jersey. Durand has or had a facility located in Millville, New Jersey. Durand is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

9. Expert Management Inc. (“Expert Management”) is a Delaware corporation, with a place of business in Chicago, Illinois. Expert Management is a successor-in-interest to Devoe

Marine Coatings Co. (“Devoe”). Devoe had a facility located in Pennsauken, New Jersey. Expert Management is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

10. Atlantic Associates International Incorporated, d/b/a Hibrett Puratex (“Hibrett Puratex”), is a New Jersey corporation, with a place of business in Pennsauken, New Jersey. Hibrett Puratex has or had a facility located in Pennsauken, New Jersey. Hibrett Puratex is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

11. Incineration Recycling Services, Inc. (“Incineration Recycling Services”) is a New Jersey corporation, with a place of business in Camden, New Jersey. Incineration Recycling Services has or had facilities located in Camden, New Jersey. Incineration Recycling Services is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

12. Johnson Matthey Inc. (“Johnson Matthey”) is a Pennsylvania corporation, with a place of business in Wayne, Pennsylvania. Johnson Matthey has or had a facility located in West Deptford, New Jersey. Johnson Matthey is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

13. LCRES Holdings, Inc. (“LCRES Holdings”), LCR Embedded Systems, Inc. (“LCR Embedded Systems”), and LCR Electronics, Inc. (“LCR Electronics”) are Pennsylvania corporations. LCRES Holdings and LCR Embedded Systems have a place of business in Jeffersonville, Pennsylvania. LCR Electronics has a place of business in Hackettstown, New Jersey. Each is a successor-in-interest to a company that has or had an LCR facility located in Norristown, Pennsylvania. Each of them is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

14. Martin Corp., a/k/a Martin Corporation and Martin Dyeing and Finishing Co., is a New Jersey corporation, with a place of business in Bridgeton, New Jersey. Martin Corp. has or had a facility located in Bridgeton, New Jersey. Martin Corp. is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

15. National Casein of New Jersey (“National Casein”) is a New Jersey corporation, with a place of business in Chicago, Illinois. National Casein has or had a facility located in Riverton, New Jersey. National Casein is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

16. National Chemical Laboratories of Pa., Inc. (“NCL”) is a Pennsylvania corporation, with a place of business in Philadelphia, Pennsylvania. NCL has or had a facility located in Philadelphia, Pennsylvania. NCL is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

17. Occidental Chemical Corporation (“OCC”) is a New York corporation, with a place of business in Houston, Texas. OCC has or had a facility located in Pottstown, Pennsylvania. OCC is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

18. Ocean Yachts, Inc. (“Ocean Yachts”) is a New Jersey corporation, with a place of business in Egg Harbor City, New Jersey. Ocean Yachts has or had a facility located in Egg Harbor, New Jersey. Ocean Yachts is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

19. Polymeric Systems Inc. (“Polymeric Systems”) is a Delaware corporation, with a place of business in Elverson, Pennsylvania. Polymeric Systems has or had a facility located in

Phoenixville, Pennsylvania. Polymeric Systems is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

20. PRC-DeSoto International, Inc. (“PRC-DeSoto International”) is a California corporation, with a place of business in Pittsburgh, Pennsylvania. PRC-DeSoto International was formerly known as Courtaulds Aerospace, Inc. (“Courtaulds Aerospace”). PRC-Desoto International, under that name and under the name of Courtaulds Aerospace, has or had a facility located in Gloucester City, New Jersey. PRC-DeSoto International has or had a facility located in Mt. Laurel, New Jersey. PRC-Desoto International is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

21. Puritan Products, Inc. (“Puritan Products”) is a Pennsylvania corporation, with a place of business in Allentown, Pennsylvania. Puritan Products has or had a facility located in Bethlehem, Pennsylvania. Puritan Products is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

22. Recycle Inc. East (“RIE”) is a New Jersey corporation, with a place of business in Maitland, Florida. RIE has or had a facility located in South Plainfield, New Jersey. RIE is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

23. R.H. Sheppard Co., Inc. (“R.H. Sheppard”) is a Pennsylvania corporation, with a place of business in Auburn Hills, Michigan. R.H. Sheppard has or had a facility located in Hanover, Pennsylvania. R.H. Sheppard is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

24. Richland Glass Co., Inc. (“Richland Glass”) is a New Jersey corporation, with a place of business in Vineland, New Jersey. Richland Glass has or had a facility located in

Richland, New Jersey. Richland Glass is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

25. Rohm and Haas Company (“Rohm and Haas”) is a Delaware corporation, with a place of business in Midland, Michigan. Rohm and Haas is a successor-in-interest to its former subsidiary, Rohm and Haas Electronic Materials CMP Inc. Rohm and Haas Electronic Materials CMP Inc. is a successor to Rodel, Inc. Rodel, Inc. has or had a facility located in Newark, Delaware. Rohm and Haas is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

26. The Sherwin-Williams Company (“Sherwin-Williams”) is an Ohio corporation, with a place of business in Cleveland, Ohio. Sherwin-Williams is a successor to Engineered Polymer Solutions, Inc. and Lilly Industries, Inc. Engineered Polymer Solutions, Inc. has or had a facility located in Williamsport, Maryland. Lilly Industries, Inc. has or had a facility located in Paulsboro, New Jersey. Sherwin-Williams is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

27. Stem Brothers, Inc. (“Stem Brothers”) is a New Jersey corporation, with a place of business in Milford, New Jersey. Stem Brothers has or had a facility located in Milford, New Jersey. Stem Brothers is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

28. Straight Arrow Products, Inc. (“Straight Arrow”) is a New Jersey corporation, with a place of business in Bethlehem, Pennsylvania. Straight Arrow has or had a facility located in Bethlehem, Pennsylvania. Straight Arrow is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

29. Thermoseal Industries LLC (“Thermoseal”) is a New Jersey corporation, with a place of business in Gloucester, New Jersey. Thermoseal has or had a facility located in Gloucester, New Jersey. Thermoseal is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

30. Trex Properties LLC (“Trex Properties”) is a Missouri corporation, with a place of business in St. Louis, Missouri. Trex Properties is a successor-in-interest to Detrex Corporation. Detrex Corporation has or had a facility located in Cinnaminson, New Jersey. Trex Properties is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

31. United Asphalt Co. (“United Asphalt”) is a New Jersey corporation, with a place of business in Cedar Brook, New Jersey. United Asphalt has or had facilities located in Cedar Brook, New Jersey and Monroeville, New Jersey. United Asphalt is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

32. VP Racing Fuels, Inc. (“VP Racing Fuels”) is a Texas corporation, with a place of business in San Antonio, Texas. VP Racing Fuels has or had facilities located in Chester, Pennsylvania and Newark, Delaware. VP Racing Fuels is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

33. The Worthington Steel Company (“Worthington”) is a Delaware corporation, with a place of business in Columbus, Ohio. Worthington had a facility located in Malvern, Pennsylvania. Worthington is a “person” as defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

STATUTORY BACKGROUND

34. CERCLA was enacted in 1980 to provide a comprehensive governmental mechanism for abating releases and threatened releases of hazardous substances and other

pollutants and contaminants, and for funding the costs of such abatement and related enforcement activities, which are known as “response” actions, 42 U.S.C. §§ 9604(a), 9601(25).

35. Under Section 104(a)(1) of CERCLA, 42 U.S.C. § 9604(a)(1):

Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment.

36. For CERCLA response actions and enforcement purposes, the Administrator of EPA is the President’s delegate, as provided in operative Executive Orders, and, within certain limits, the Regional Administrators of EPA have been re-delegated this authority.

37. "Facility" is defined in CERCLA Section 101(9) as "any building, structure, installation, equipment, pipe or pipeline" or "any site or area where a hazardous substance has been deposited, stored, disposed of, or placed" 42 U.S.C. § 9601(9).

38. "Release" is defined in CERCLA Section 101(22) as "any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant)" 42 U.S.C. § 9601(22).

39. "Disposal" is defined in CERCLA Section 101(29) by reference to the Solid Waste Disposal Act (SWDA). 42 U.S.C. § 9601(29). The SWDA defines "disposal" as "the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or

hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters." 42 U.S.C. § 6903(3).

40. "Treatment" is defined in CERCLA Section 101(29) by reference to the SDWA. 42 U.S.C. § 9601(29). The SWDA defines "treatment" as

any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

42 U.S.C. § 6903(34).

41. "Hazardous substance" is defined in CERCLA Section 101(14) by reference to other federal statutes and by reference to a list of substances published by EPA at 40 C.F.R. § 302.4. 42 U.S.C. § 9601(14).

42. "Response," as defined in CERCLA Section 101(25), includes "removal" actions and enforcement activities related thereto. 42 U.S.C. § 9601(25).

43. "Person" is defined in CERCLA Section 101(21) as "an individual, firm, corporation" 42 U.S.C. § 9601(21).

44. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section –

(3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility . . . owned or operated by another party or entity and containing such hazardous substances,

. . .

shall be liable for –

(A) all costs of removal or remedial action incurred by the United States Government . . . not inconsistent with the national contingency plan.

45. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides that interest on response costs incurred by the United States is recoverable.

46. Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), provides that in actions for recovery of costs, "the court shall enter a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages."

GENERAL ALLEGATIONS

47. The Site consists of about 5.5 acres of property located at 798-830 Jacob Harris Lane, Elk Township, Gloucester County, New Jersey and is designated Block 30, Lot 4 on the official tax map of Elk Township, Gloucester County.

48. Superior Barrel and Drum Co., Inc., a New Jersey corporation, and its principal, Thomas Toy, operated a drum reconditioning and disposal business at the Site. The property was, at relevant times, owned by Thomas Toy and Melva Toy. The business began as a sole proprietorship in approximately 1974, and Superior Barrel was incorporated in 1979.

49. Superior Barrel operated at the Site until approximately 2012.

50. During its years of operation, various companies arranged with Superior Barrel for drums and/or other containers which contained residues or other amounts of hazardous substances in their possession to be removed to the Site for treatment or disposal. Each of the Defendants named in Paragraphs 4 - 33 arranged with Superior Barrel for drums and/or other containers that contained residues or other amounts of hazardous substances in its possession to

be removed from its facility to the Site for treatment or disposal, or is a successor-in-interest to a person who so arranged. The drums and/or other containers were taken to the Site. Such hazardous substances have been found at the Site.

51. In August 2013, Gloucester County personnel and New Jersey Department of Environmental Protection (“NJDEP”) personnel inspected the Site and conducted field screenings, after which NJDEP requested EPA’s assistance in investigating the Site.

52. On August 30, 2013, EPA personnel inspected the Site. Thousands of containers were observed at the Site, in various states of deterioration. NJDEP conducted additional field screening. Field testing of samples indicated that materials were corrosive, flammable, and/or contained volatile organic compounds (“VOCs”). NJDEP referred the Site to EPA for response to the conditions at the Site, including performance of cleanup and removal activities.

53. On September 13, 2013, EPA initiated a removal assessment at the Site. Analysis of samples taken in September 2013 identified the presence of numerous CERCLA hazardous substances, including, but not limited to, benzene, toluene, trichloroethylene, tetrachloroethylene, ethylbenzene, xylene, polychlorinated biphenyls (“PCBs”), lead, acetone, styrene, cyclohexane, cobalt, manganese, zinc, arsenic, copper, cadmium, nickel, antimony, butanol, naphthalene, phenol, methyl ethyl ketone (“MEK”), phthalates, and acetic acid. Thousands of containers were identified. A large proportion were weathered and in poor condition.

54. Based on the removal assessment, EPA determined that a removal action was warranted to address the presence of hazardous substances at the Site. In 2013-2014, EPA conducted a removal action, including securing the Site, sampling various media, removal of containers of hazardous substances, decontamination of tanks, clean-up of chemical storage and process areas, and off-site disposal of materials removed from the Site.

55. The Site is a “facility” as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

56. There has been a “release” or a “threatened release” of “hazardous substances” into the “environment” at or from the Site, as those terms are defined in Section 101 of CERCLA, 42 U.S.C. § 9601.

57. In undertaking response actions to address the release or threat of release of hazardous substances at the Site, the United States, through EPA, has incurred and will continue to incur “response costs” as defined in Section 101(25) of CERCLA, 42 U.S.C. § 9601(25).

58. EPA has incurred at least \$6,701,878.78 through May 31, 2019, in response to the Site.

59. The response costs incurred by EPA in connection with the Site were incurred in a manner not inconsistent with the National Contingency Plan promulgated under Section 105 of CERCLA, 42 U.S.C. § 9605, and codified at 40 C.F.R. Part 300.

CLAIM FOR RELIEF

60. Paragraphs 1 through 59 are re-alleged and incorporated herein by reference.

61. Each of the Defendants named in Paragraphs 4 – 33 is liable under Section 107(a)(3) of CERCLA, 42 U.S.C. § 9607(a)(3), with respect to the Site because each Defendant is a person who arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of drums and/or other containers it owned or possessed that contained hazardous substances that were brought to the Site, which contained such hazardous substances at the time of EPA’s removal action, or is a successor-in-interest to such a person.

62. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), the Defendants named in Paragraphs 4 - 33 are each liable to the United States, jointly and severally, for all response costs

incurred by the United States, including enforcement costs, relating to the Site, plus accrued interest on those costs. Under Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2), the United States is entitled to a declaratory judgment on liability against the Defendants that will be binding in any subsequent action to recover further response costs incurred by the United States in connection with the Site.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, the United States of America, respectfully requests that this Court:

- a. Enter judgment in favor of the United States and against the Defendants, jointly and severally, for all response costs incurred by the United States relating to the Site, including enforcement costs, and prejudgment interest, pursuant to Section 107(a)(4)(A) of CERCLA, 42 U.S.C. § 9607(a)(4)(A);
- b. Enter a declaratory judgment on Defendants' liability that will be binding in any subsequent action for further response costs or for natural resource damages, pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2); and
- c. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

THOMAS A. MARIANI, JR.
Section Chief
Environmental Enforcement Section
Environment and Natural Resources Division
United States Department of Justice

s/ Elizabeth Yu
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CERTIFICATION UNDER LOCAL CIVIL RULE 11.2

In accordance with 28 U.S.C. § 1746, I hereby certify, under penalty of perjury, that the matter in controversy in the foregoing Complaint is not the subject of any other action pending in any court, or any pending arbitration or administrative proceeding.

s/ Elizabeth Yu
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JS 44 (Rev. 09/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Elizabeth Yu, Attorney, U.S. Department of Justice, ENRD/EES
P.O. Box 7611, Washington, D.C. 20044 (202) 514-2277

DEFENDANTS

Cassidy Painting Inc., et al. (see attachment)

County of Residence of First Listed Defendant New Castle County, DE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

(see attachment)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions](#)

CONTRACT	TORTS	FORFEIT, REPLENISHMENT	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input checked="" type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. 9607

Brief description of cause:

Action for cost recovery for cost of performance of CERCLA removal action

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
09/27/2019

SIGNATURE OF ATTORNEY OF RECORD
s/ Elizabeth Yu

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Attachment to Civil Cover Sheet

List of Defendants

Cassidy Painting Inc.
Cleveland Steel Container Corporation
Coating Development Group, Inc.
Congoleum Corporation
Durand Glass Manufacturing Company, LLC
Expert Management Inc.
Atlantic Associates International Incorporated, d/b/a Hibrett Puratex
Incineration Recycling Services, Inc.
Johnson Matthey Inc.
LCRES Holdings, Inc.
LCR Embedded Systems, Inc.
LCR Electronics, Inc.
Martin Corp.
National Casein of New Jersey
National Chemical Laboratories of Pa., Inc.
Occidental Chemical Corporation
Ocean Yachts, Inc.
Polymeric Systems Inc.
PRC-DeSoto International, Inc.
Puritan Products, Inc.
Recycle Inc. East
R.H. Sheppard Co., Inc.
Richland Glass Co., Inc.
Rohm and Haas Company
The Sherwin-Williams Company
Stem Brothers, Inc.
Straight Arrow Products, Inc.
Thermoseal Industries LLC
Trex Properties LLC
United Asphalt Co.
VP Racing Fuels, Inc.
The Worthington Steel Company

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